

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, February 20, 2006 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:00 p.m. by Mayor McShane.

PRESENT: Buck, Knol, McShane, Sutherland.

ABSENT: Wiggins.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman, Deputy Clerk Halberstadt, Director Nebus, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz.

At the invitation of Mayor McShane, Congressman Joe Knollenberg made a few brief comments that included recognition of the positive, ongoing relationship his office has with the City of Farmington. He thanked the City for its support and encouraged community members to contact his assistants, Shawn Ciavattone and Steve Betz, with issues of concern.

CONSENT AGENDA

Council approved the following items on the consent agenda:

- Special Meeting minutes of January 17, 2006
- Regular Meeting minutes of January 17, 2006
- Special Meeting minutes of February 6, 2006
- Department of Public Works and Water and Sewer Department Second Quarter Report for period ending December 31, 2005
- Monthly Payments Report for January 2006
- Public Safety Report for January 2006
- City of Farmington Financial Report for quarter ended December 31, 2005
- 47th District Court Financial Report for quarter ended December 31, 2005
- Proclamation – 3rd Annual Homes for Our Troops

02-06-023 MOTION by Knol, seconded by Sutherland, to approve all items on the consent agenda as presented. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

02-06-024 MOTION by Buck, seconded by Sutherland, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

RRRASOC PRESENTATION – MICHAEL CSAPO, GENERAL MANAGER

No presentation was made due to Mr. Csapo's absence.

MICHIGAN COMMISSION ON DISABILITY – STEPHANIE WEBSTER

Stephanie Webster, representing the Michigan Commission on Disability, discussed her role as a liaison between Farmington and the Commission in Lansing. She stated that the Commission serves as an advocacy for employment of people with disabilities. She briefly reviewed events sponsored by the Commission.

Mayor McShane noted that the City had received a grant to construct switchback staircase in Shiawassee Park that would comply with the Americans With Disabilities Act (ADA).

MISS FOUNDERS FESTIVAL

Ginny Morris announced the creation of a Miss Farmington Founders Festival pageant, an event to be held during the festival at the Civic Theatre. She introduced Laurie Smalis as manager of the event. Ms. Smalis discussed plans for the pageant program including fundraising activities. She asked Council for their assistance in gaining sponsorships for pageant participants and donations to cover other program costs. She asked for ideas on how to make the winner of the pageant more visible during the festival.

Councilmember Knol thanked Morris and Smalis for bringing the event to the Civic Theatre. Responding to a question, Smalis commented on how the contestants will be judged.

Knol suggested replacing the current photograph in the chambers with a new photo of the Mayor and the winner of the Miss Farmington Founders Festival pageant. She noted that a number of businesses in Farmington would benefit from the pageant.

Councilmember Sutherland thanked Ms. Smalis for stepping forward and getting involved with the pageant.

Mayor McShane suggested promoting the pageant on cable.

PUBLIC HEARING – TCF BANK BROWNFIELD REDEVELOPMENT PLAN AND CONSIDERATION TO ADOPT PLAN

Kevin Lund, Environmental Consultant for TCF Bank, was present to discuss the proposed Brownfield Redevelopment Plan. He advised that a large portion of the Plan costs are due to a deed restriction previously placed on the property and the need to remove up to four feet of soil under the footprint of the bank site. He noted that the deed restriction required management of the soil and ground water contamination.

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Pastue advised that proper notification and publication of the public hearing was provided. He stated that an agreement between the Brownfield Redevelopment Authority and TCF Bank is currently being drafted. He discussed the costs of the project and remediation of the proposed site.

Mayor McShane opened the hearing for public comment.

Jeff McGowan, 21052 Larkspur, expressed concern that under the Brownfield Plan the City and not the seller of the property would be paying for remediation of the site.

Hank Borgman, 34011 Grand River, expressed concern regarding environmental rules governing the clean-up of contaminated soil.

Hearing no further comment, Mayor McShane asked for a motion to close the hearing.

02-06-025 MOTION by Knol, seconded by Sutherland, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

In response to Mr. McGowan's comments, Knol noted the likelihood that the contamination resulted from the gas stations located on the site in the 1950's and 60's and as a result the current owner should not be required to clean up contamination he did not cause. She stated that "clean-up" rules were changed by the State to assist property owners who were not responsible for contamination. She advised that the Brownfield Redevelopment Act was established so that municipalities could pay for clean-ups with the increase in the taxable value of the property. She noted the importance of cleaning up the site for the overall welfare of the City and to avoid the risk of an abandoned property.

Councilmember Buck expressed his enthusiasm for the project and the opportunity to develop a property that is a gateway to the City.

Councilmember Sutherland also expressed support for the proposed plan.

Mayor McShane acknowledged Mr. McGowan's concern regarding the City paying for contamination clean-up, however, she noted that even though the City provides funds under the Brownfield Redevelopment Act it also gains revenue through increased property tax base. She stated that in order for the City to remain competitive it must offer this type of incentive to attract businesses.

RESOLUTION 02-06-026 Motion by Buck, seconded by Knol, to adopt a TCF Bank Brownfield Redevelopment Plan for the site located at the northeast corner of Nine Mile and Farmington Roads as presented and authorize the Brownfield Redevelopment Authority to enter into an agreement regarding the proposed plan. [SEE ATTACHED PLAN].

ROLL CALL

Ayes: Knol, McShane, Sutherland, Buck.

Nays: None.

Absent: Wiggins

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

CONSIDERATION TO ADOPT ORDINANCE C-714-2006 TO REZONE PARCELS

RESOLUTION 02-06-027 Motion by Sutherland, seconded by Buck, to adopt Ordinance C-714-2006 to amend the City Code, Chapter 35, Zoning Chapter, to amend the Zoning Map and district boundaries established under Section 35-62 to reclassify the parcels located at 22420 Farmington Road and 33400 Nine Mile Road to the General Commercial District (C3). [SEE ATTACHED ORDINANCE].

ROLL CALL

Ayes: McShane, Sutherland, Buck, Knol.
Nays: None.
Absent: Wiggins
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE A LOT SPLIT, 33400 NINE MILE ROAD, PARCEL NUMBER: 23-27-352-002

City Administration advised that as part of the TCF Bank project, located at the northeast corner of Nine Mile and Farmington Roads, it is necessary to split the remaining portion of the industrial parcel to the east.

RESOLUTION 02-06-028 Motion by Knol, seconded by Sutherland, to approve a lot split for industrial parcel number 23-27-352-002 located at 33400 Nine Mile Road, pending final site plan submittal and review by the City.

ROLL CALL

Ayes: Sutherland, Buck, Knol, McShane.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADD ADDITIONAL MEMBERS TO CHARTER COMMITTEE

02-06-029 MOTION by Buck, seconded by Knol, to appoint JoAnne McShane to fill the position of Council member at-large on the Charter Amendment Committee for a two-year term ending December 31, 2007. MOTION CARRIED UNANIMOUSLY.

Mayor McShane added the following item to the agenda as "5E" under Presentations/Public Hearings.

3RD ANNUAL HOMES FOR OUR TROOPS

Mayor McShane invited Kim Jaske and Dan Higgins of the American Legion to talk about the annual "Homes for Our Troops" event. Mr. Higgins stated that "Homes for Our Troops" is a charity that was started in 2004 in order to build and renovate houses for

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disabled veterans returning from Iraq and Afghanistan. He welcomed participation from the City in promoting this event.

Mr. Jaske announced that bricks can be purchased from the American Legion in memory or honor of a veteran.

NEW BUSINESS

SPECIAL EVENT PETITION – KNIGHTS OF COLUMBUS ANNUAL FUND DRIVE

Buck asked Director Nebus if he is comfortable that the solicitations can be conducted safely in the downtown. Nebus responded that he has no concerns as long as no street solicitations occur.

RESOLUTION 02-06-030 Motion by Sutherland, seconded by Knol, to approve a request from the Knights of Columbus, St. Francis Council No. 4401, to solicit for their annual fund drive during the weekend of April 7, 8, & 9, 2006 in the City of Farmington; and stipulated that soliciting in the streets is prohibited. MOTION CARRIED UNANIMOUSLY.

PETITION – MEMORIAL DAY PARADE

RESOLUTION 02-06-031 Motion by Buck, seconded by Knol, to approve the use of Grand River Avenue on Monday, May 29, 2006 from 9:00 a.m. to 1:00 p.m. for the purpose of conducting a Memorial Day parade; that the State of Michigan, Department of Transportation, be held harmless from any liability resulting from the closing of Grand River; and authorize the Public Safety Department to file for the permit with Michigan Department of Transportation for the closing of Grand River Avenue. MOTION CARRIED UNANIMOUSLY.

CONSIDER CALLING PUBLIC HEARING FOR MDNR GRANT APPLICATION

Administration advised that the City is applying for grant funds from the Michigan Department of Natural Resources (MDNR) in the amount of \$500,000 for projects identified in the City's Recreation Master Plan. Administration further advised that the City had received two federal grants toward the ramp and river trail projects and the City has pledged \$250,000 as matching funds for these grants. Administration proposed to utilize the federal grants and City funds as matching funds for the MDNR grant application.

Knol expressed her support for this application and noted that the MDNR Trust Fund is a dedicated fund that receives its revenues from oil drilling. She stated that this Fund is used specifically for recreation or natural resource type projects. She further stated that the use of this Fund does not take money away from any other State Funds such as Education and Health and Human Services. She noted that the Trust money is available and if Farmington does not apply for it other communities will.

02-06-032 MOTION by Sutherland, seconded by Knol, to schedule a public hearing for March 20, 2006 at 8:00 p.m. to allow public comment on a proposed Michigan

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Department of Natural Resources grant application for improvement projects in Shiawassee Park. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE REVISED DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BY-LAWS

Administration advised that at the recommendation of the Main Street Program the DDA Board has updated its by-laws. Administration recommended that Council adopt the amended by-laws.

RESOLUTION 02-06-033 Motion by Knol, seconded by Sutherland, to adopt amended bylaws of the Downtown Development Authority of the City of Farmington as presented. [SEE ATTACHED BYLAWS]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CHATHAM HILLS FOOTING DRAIN DISCONNECT PROGRAM CONSTRUCTION ESTIMATE #5 AND APPROVAL OF CHANGE ORDER #1

Administration advised that construction estimate #5 for the Chatham Hills Footing Drain Disconnect Program covers work completed through January 28, 2006. Administration further advised that change order #1 increases the contract amount as a result of interior and exterior restoration work that was beyond what was specified in the original contract. Administration advised that construction estimate #5 has been reviewed and approved by both Public Services Director Gushman and the City's consulting engineers.

RESOLUTION 02-06-034 Motion by Buck, seconded by Sutherland, to approve payment of construction estimate #5 in the amount of \$74,598.29 to Bidigare Contractors for the Chatham Hills Footing Drain Disconnect Project; and approve change order #1 increasing the contract amount by \$12,598.52.

ROLL CALL

Ayes: Buck, Knol, McShane, Sutherland.

Nays: None.

Absent: Wiggins.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #6 FOR DOWNTOWN CENTER IMPROVEMENT PROJECT AND TO APPROVE CHANGE ORDER #1

Administration advised that construction estimate #6 for the Downtown Improvement Project covers work completed through February 10, 2006 including paving the alley west of Wilmarth Street. Administration further advised that change order #1 increases the contract amount mostly due to paving the alley. Administration advised that construction estimate #6 and change order #1 have been reviewed and approved by both Public Services Director Gushman and the City's consulting engineers.

RESOLUTION 02-06-035 Motion by Knol, seconded by Buck, to approve payment of construction estimate #6 to ABC Paving Company in the amount of \$114,120.94 for work

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completed on the Downtown Center Improvements Project and the Wilmarth Alley Paving Project; and approve change order #1 increasing the contract amount by \$33,676.75; \$25,750.00 for the paving of the alley west of Wilmarth and \$7,926.75 for additions to the Downtown Center Improvement Project.

ROLL CALL

Ayes: Knol, McShane, Sutherland, Buck.

Nays: None.

Absent: Wiggins

MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

02-06-036 MOTION by Buck, seconded by Sutherland, to appoint Mary Bush to the Board of Review to complete a term expiring December 31, 2006 and reappoint Thomas J. Killeen to the Board of Review for a three-year term expiring December 31, 2008; reappoint Michael Kish, Robert Allen, and Kenneth Wallace to the Construction Board of Appeals for two-year terms; and appoint Valerie Knol to the Brownfield Redevelopment Authority for a three-year term expiring February 28, 2009. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE SEALED BID FOR HOIST CYLINDER ASSEMBLY

Administration recommended awarding repair of the hoist cylinder assembly to the low bidder, Allied, Inc.

RESOLUTON 02-06-037 Motion by Knol, seconded by Buck, to approve a bid award to Allied, Inc. in the amount of \$17,925.00 for the repair of a hoist cylinder assembly at the Farmington Department of Public Works.

ROLL CALL

Ayes: McShane, Sutherland, Buck, Knol.

Nays: None.

Absent: Wiggins.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Hank Borgman, 34011 Grand River, expressed concern that handicapped individuals would have difficulty using the proposed switchback staircase in Shiawassee Park. He further expressed concern that skateboarders would gain too much speed on the ramps.

Director Gushman responded that the switchback ramp design with its landings would prevent anyone from gaining too much speed on them.

COUNCIL COMMENT

Councilmember Buck praised Mayor McShane for her comments at the State of the Cities breakfast.

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ADJOURNMENT

02-06-038 MOTION by Knol, seconded by Sutherland, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:21 p.m.

JoAnne M. McShane, Mayor

Patsy K. Cantrell, City Clerk/Treasurer

Susan K. Halberstadt, Recording Secretary

APPROVED: March 20, 2006